IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

MACA.No. 1849 of 2007

(AGAINST THE AWARD PASSED BY M.A.C.T., MANJERI IN O.P.(M.V) NO 595/2002 DATED 19.04.2007)

APPELLANT/PETITIONER

MOHAMMED RAFEEQUE, 21 YEARS
S/O.HAMZA, KAITHAKKAL HOUSE, KURUGHA P.O.
KALPAKANCHERI,MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: 3RD RESPONDENTS

THE UNITED INDIA INSURANCE CO.LTD
DIVISIONAL OFFICE, ARAFA BUILDING, COURT ROAD,
MANJERI,MALAPPURAM DISTRICT.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & A.K. BASHEER, JJ.

M.A.C.A. No 1849 of 2007

Dated: 16th October, 2007

JUDGMENT

Radhakrishnan, J.

Claimant is the appellant. Accident is not disputed; so also the insurance coverage. The only question to be considered is whether the compensation awarded is just and proper.

2. Learned counsel for the appellant submitted that adequate compensation has not been granted towards permanent disability. Reference was made to Ext X1 certificate which would indicate that the appellant has got 30%. Income taken by the Tribunal is on the lower side. Tribunal taken the income as Rs 2,400/- and multiplier of 18 was adopted. No data has been furnished by the appellant before the Tribunal to arrive at a higher amount. Considering the facts and circumstances of the case, we are of the view that the Tribunal has granted reasonable and adequate compensation. Total amount of compensation claimed is Rs 4 lakhs and the Tribunal awarded Rs 3,02,291.00 at the rate of 7% from the date of petition. We find no error in the award passed by the Tribunal to be

interfered with in this appeal. The appeal lacks merits and the same is dismissed.

Sd/-
K.S. RADHAKRISHNAN
Judge

Sd/-
A.K. BASHEER
Judge

16/10/2007
en

[true copy]